

1971 Mo. PSC LEXIS 104; 15 Mo. P.S.C. (N.S.) 505

Public Service Commission of the State of Missouri

May 21, 1971

Case No. 17,139

***MO Public Service Commission Decisions***

**Reporter**

1971 Mo. PSC LEXIS 104 \*; 15 Mo. P.S.C. (N.S.) 505 \*\*

**In the matter of the Application of UNION ELECTRIC COMPANY for permission and authority to construct, operate, and maintain a multi-unit steam electric generating plant in Jefferson County, Missouri**

---

**Core Terms**

---

plant, said, foot, thence, island, right-of-way, electric, rush, center line, section, railway, point of intersection, megawatts, chord, coal, site, has, transmission, northerly

**Headnotes**

---

**[\*1] 1. Public Utilities § 27.** Where the Commission granted permission and authority to Applicant to construct, operate and maintain a multi-unit steam electric generating plant because it was in the public interest, this authority was not to be construed to be a waiver of compliance, on the part of the Applicant, with any environmental control standards now existing or proposed by any environmental protection agency in the States of Illinois or Missouri or of the Federal Government.

**Counsel**

---

APPEARANCES: Carl H. Hendrickson, Attorney at Law, P. O. Box 149, St. Louis, Missouri 63166, for Union Electric Company.

Richard T. Ciottone, Assistant General Counsel, Missouri Public Service Commission, Jefferson State Office Building, Jefferson City, Missouri 65101, for the Staff and the public.

**Panel:** CLARK, Chm., FAIN, JONES, REINE, and MAUZE, CC., Concur.

**Opinion**

---

**[\*\*505] REPORT AND ORDER**

This case is before the Commission by virtue of a verified application of Union Electric Company (hereinafter referred to as "Applicant") which was filed on January 4, 1971, and by which Applicant seeks permission and

authority to construct, operate and maintain a multi-unit steam electric generating plant in Jefferson County, [\*2] Missouri.

After due notice to interested parties, the matter was set for hearing and heard in the Commission's hearing room on the tenth floor of the Jefferson State Office Building, Jefferson City, Missouri, on April 8, 1971.

#### FINDINGS OF FACT

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

Applicant, a Missouri corporation, with its principal executive office at One Memorial Drive, St. Louis, Missouri 63166, is engaged in rendering electric and heating services within the State of Missouri as a public utility subject to the jurisdiction of this Commission. It [\*\*506] is also engaged in rendering electric service within the State of Iowa and electric and gas services within the State of Illinois.

The demands upon Applicant for electric service have grown steadily in recent years and are expected to continue to expand in the future. The all-time gross instantaneous peak demand on Applicant's system of 4,290 megawatts was experienced on July 31, 1970. Applicant estimates that such peak demand will increase to 6,370 megawatts by 1975, and to 6,800 megawatts by 1976. [\*3]

At the present time, the total generating capacity of Applicant's system is 4,283 megawatts. After completion of Units 2, 3 and 4 of Labadie Plant in 1971, 1972 and 1973, respectively, (now under construction) the total generating capacity will be 6,149 megawatts.

Applicant proposes to provide some of the additional required generating capacity by construction of a multi-unit steam electric generating plant to be located near Rush Tower, Jefferson County, Missouri, approximately 35 miles south of St. Louis. The site of the proposed plant, as shown by Applicant's Exhibits 1 and 2 which were received in evidence herein, is within Applicant's service area in Jefferson County, Missouri, as established by the Commission in Case No. 3505. Initially, Applicant plans to install two generating units, each with a capacity of approximately 600 megawatts, with provisions for future installations of additional units. The first unit is expected to be in service in May, 1975, and the second unit is expected to be in operation in May, 1976. The proposed plant will be interconnected with the transmission and distribution system of Applicant by means of substantial transmission facilities in order [\*4] that the electric energy to be generated can be utilized economically to the greatest advantage of the consuming public.

Applicant examined numerous sites before selecting the Rush Island site near Rush Tower, Missouri, for the construction of the proposed power plant. The Rush Island site was chosen because of its relationship to the loads served, the availability of an ample supply of water, the presence of a large level area requiring a minimum of fill upon which to construct the plant, the remoteness of the location from densely populated areas, and the ability economically to transport to the site large quantities of coal. The latter factor would have a favorable effect on the ultimate cost of service to the consumer in that it would aid in the maintenance of a competitive position in the purchase of coal for its proposed plant.

Applicant decided to build a new plant rather than add to existing plants in order to geographically balance its generating capacity. The development of the proposed Rush Island Plant site will produce a better balance in geographic dispersal, and would permit better utilization of existing transmission facilities.

[\*\*507] The construction of the first [\*5] generating unit of the proposed plant for service in 1975 will require an estimated expenditure of \$ 171,000,000 without related transmission facilities. The construction of the second unit for service in 1976 will require an estimated expenditure of \$ 124,000,000 without related transmission facilities. Applicant proposes to finance the construction of the initial two units, as well as the balance of the proposed plant, out of funds to be available in its treasury, a substantial portion of which will be obtained from new financing. The amount and nature of such new financing will be submitted to the Commission for approval as and when the funds are required.

The construction, operation and maintenance of the proposed plant will not affect any other public utility, except that the increase in Applicant's generating capacity will better enable it to furnish additional service to utilities purchasing electric energy from Applicant.

The Applicant has taken all reasonable steps to insure that the operation of the proposed plant will not adversely affect the air or water quality standards at or near Rush Island. The Applicant proposes to use as fuel low sulphur coal secured from the nearby [\*6] coal fields of Southern Illinois. The Applicant has specified that the sulphur content of the coal supplied shall not exceed one percent during the first five year period of operation of the proposed plant. Plans of the Applicant include the installation of a sulphur dioxide removal system at such time in the future as the deterioration in the quality of the coal available may necessitate. Plans for the proposed plant also include the use of mechanical devices to prevent the release of harmful solids as well as gases into the surrounding atmosphere. Applicant proposes to operate the Rush Island Plant within all known and proposed standards of the Federal Environmental Protection Agency, as well as the Missouri Air Conservation Commission.

Applicant proposes to operate the plant's cooling system within the standards set by the Missouri Water Pollution Board and presently has pending before that Agency an application for an operating permit for the proposed plant.

Applicant has also applied for a permit to construct and operate the plant along a navigable river from the United States Army Corps of Engineers and has applied for permits to dredge in the Mississippi River from the Corps [\*7] of Engineers and the Division of Waterways of the State of Illinois. Applicant has made application to the Federal Aviation Administration for permission to construct a stack 700 feet in height in order to provide an additional margin for protection of the air quality at or near Rush Island.

#### **[\*\*508] CONCLUSIONS**

The Commission, having considered the verified application filed herein and all the evidence in support thereof, and being fully advised in this matter, is of the opinion and finds that the proposed construction, operation and maintenance of the multi-unit steam electric generating plant is in the public interest and the permission and authority requested by Applicant should be granted.

The Commission further concludes that the granting of the authority herein requested should in no way be construed to be a waiver of compliance, on the part of the Applicant, with any environmental control standards now existing or proposed by any environmental protection agency in the States of Illinois or Missouri or of the Federal Government.

It is, therefore,

*Ordered:* 1. That Union Electric Company be, and is, hereby authorized to construct, operate and maintain a multi-unit steam [\*8] electric generating plant to be known as its "Rush Island Plant", in Jefferson County, Missouri, on a tract of land described as follows:

A tract of land containing approximately 500 acres located in part of Fractional Sections 3, 4, and 5, and part of Fractional Sections 4, 5, 8, and 9 on Island 7A (Rush Island) and part of Fractional Section 9 on Island 7B (Lee's Island), all in Township 39 North, Range 7 East, Jefferson County, Missouri, and more particularly described as follows: Beginning at a point on the east-west quarter section line of said Section 4 which point is located South 82 [degree] 20' East 3025 feet from the quarter section corner on the west side of said Section 4, as measured along said east-west quarter section line, said beginning point also being the point of intersection of the east-west quarter section line of said Section 4 with the centerline of the 100-foot wide right-of-way of the St. Louis-San Francisco Railway Company; thence along the centerline of the said Railway right-of-way South 34 [degree] 48' East 472 feet to a point; thence South 33 [degree] 15' East 572 feet to a point; thence south 32 [degree] 24' East 200 feet (chord) to a point; thence [\*9] South 30 [degree] 19' East 224.60 feet (chord) to a point; thence continuing along the centerline of said Railway right-of-way to the point of intersection with the northerly bank of Isle Du Bois Creek; thence northeasterly and southeasterly along the northerly bank of Isle Du Bois Creek and with the meanderings thereof to the point of intersection of said northerly creek bank with the west bank of a certain slough from the Mississippi River; thence northerly

along the said west bank of the slough and with the meanderings thereof to the point of intersection of said west slough bank with the westerly prolongation of an old fence; thence east along said prolongation of the old fence to a point in the center of said slough which bears South 77 [degree] 18' East 5,304.40 feet from the quarter section corner on the west side of said Section 4; thence South 89 [degree] 25' East 488 feet, more or less, to the water's edge of the Mississippi River; thence northwesterly (upstream) along the water's edge to the most northerly corner of Lot 2 in the **[\*\*509]** Commissioner's Report in the Partition in the case of Theodore Ehrichs and wife vs. Ellen A. Weaver, et al., in the Circuit Court of **[\*10]** Jefferson County, Missouri, dated January 17, 1879, from which an iron pin bears South 57 [degree] 52' West 40 feet, more or less; thence along the northwest line of said Lot 2 in the Commissioner's Report dated January 17, 1879, South 57 [degree] 52' West 3,285.80 feet to a point on the centerline of the right-of-way of St. Louis-San Francisco Railway Company from which an iron pin bears North 57 [degree] 52' East 51.40 feet; thence along the centerline of said Railway right-of-way South 45 [degree] 32' East 43.00 feet to a point; thence South 46 [degree] 06' East 272.90 feet (chord) to a point; thence South 46 [degree] 44' East 1,090.09 feet to the point of intersection of the centerline of said Railway right-of-way with the south line of Lot 4 of the Northeast 1/4 of said Section 5; thence continuing along the centerline of said Railway right-of-way the following bearings and distances: South 46 [degree] 44' East 209.91 feet; South 45 [degree] 26' East 200 feet (chord) ; South 41 [degree] 31' East 200 feet (chord) ; South 37 [degree] 55' East 200 feet (chord) marking the point of intersection of the centerline of said Railway right-of-way with the north-south section line between **[\*11]** said Sections 4 and 5; thence continuing along the centerline of said Railway right-of-way South 37 [degree] 14' East 4,836.76 feet to the point of beginning. Together with all accretions thereto.

Subject to the right-of-way of the St. Louis-San Francisco Railway Company. Subject also to roadway easements of record.

*Ordered:* 2. That the authority granted herein shall in no way be construed as authority for waiver of compliance by the Applicant with any air or water quality control standards now existing or proposed by any agency of the State of Illinois or Missouri or of the Government of the United States.

*Ordered:* 3. That this Report and Order shall become effective on the 2nd day of June, 1971, and the Secretary of the Commission shall serve a certified copy of same upon each interested party.

CLARK, Chm., FAIN, JONES, REINE, and MAUZE, CC., Concur.

**Concur By:** CLARK; FAIN; JONES; REINE; MAUZE

MO Public Service Commission Decisions

---

End of Document